

United States District Court
Western District of Washington
Tacoma Division

John Doe #1, an individual, **John Doe #2**, an individual, and **Protect Marriage Washington**,

Plaintiffs,

vs.

Sam Reed, in his official capacity as Secretary of State of Washington, **Brenda Galarza**, in her official capacity as Public Records Officer for the Secretary of State of Washington,

Defendants.

No. 3:09-CV-05456-BHS

The Honorable Benjamin H. Settle

Agreed Motion to Expedite Plaintiffs' Motion for Injunction Pending Appeal

NOTE ON MOTION CALENDAR:
October 26, 2011

1 Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington; Defendants Sam
 2 Reed and Brenda Galarza; and Intervenor-Defendants Washington Families Standing Together
 3 and Washington Coalition for Open Government, by and through their counsel of record, agree
 4 and stipulate as follows:

5 On October 25, 2011, counsel for Plaintiffs contacted counsel for Defendants and
 6 Intervenor-Defendants and obtained their agreement to expedite consideration of Plaintiffs'
 7 Motion for Injunction Pending Appeal (Dkt. 320) ("Motion"). Final consent on this agreed
 8 motion was obtained from all parties on October 26, 2011.

9 At the Plaintiffs' request, the parties pray the Court to expedite the consideration of the
 10 Motion. In support of this motion, and to show good cause, Plaintiffs make the following
 11 statements:

12 1. On October 17, 2011, Plaintiffs' filed the Motion and, pursuant to CR 7(d)(3), noted it
 13 for consideration on November 4, 2011.

14 2. On October 20, 2011, Plaintiffs filed an Emergency Motion for Injunction Pending
 15 Appeal before the Ninth Circuit Court of Appeals. Defendants and Intervenor-Defendants
 16 responded, and Plaintiffs replied, on October 21, 2011. On October 24, 2011, the Ninth Circuit
 17 denied the motion, without prejudice, due to the pending motion before this Court. The Ninth
 18 Circuit temporarily enjoined State Defendants from releasing the petitions. That injunction will
 19 remain in effect until five days after this Court rules on the pending Motion.

20 3. On October 25, Plaintiffs contacted Defendants and Intervenor-Defendants regarding
 21 moving to expedite consideration of the Motion to October 28, 2011. Due to scheduling needs,
 22 the parties have agreed to the following schedule:

- 23 • **October 31, 2011:** Defendants and Intervenor-Defendants' Response Briefs
- 24 • **November 2, 2011:** Plaintiffs' Reply Briefs
- 25 • **November 2, 2011:** Motion is Noted for Consideration.

26 The parties therefore pray that the Court grant this motion to expedite consideration of the
 27 Motion.

1 Dated this 26th day of October, 2011.

2
3 Respectfully submitted and approved by:

4 Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington:

5 By: /s/ Kaylan L. Phillips
6 Kaylan L. Phillips
Attorney for Plaintiffs

7 Defendants Sam Reed and Brenda Galarza:

8 By: /s/ Anne E. Egeler
9 Anne E. Egeler
Attorney for Defendants

10 Intervenor-Defendant Washington Families Standing Together:

11 By: /s/ William B. Stafford
12 William B. Stafford
Attorney for Washington Families Standing Together

13 Intervenor-Defendant Washington Coalition for Open Government:

14 By: /s/ Leslie R. Weatherhead
15 Leslie R. Weatherhead
Attorney for Washington Coalition for Open Government

CERTIFICATE OF SERVICE

I, Kaylan L. Phillips, am over the age of 18 years and not a party to the above-captioned action. My business address is 1 South Sixth Street; Terre Haute, Indiana 47807-3510.

On October 26, 2011, I electronically filed the foregoing document, described as Motion for Extension of Time, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 26th day of October, 2011.

/s/ Kaylan L. Phillips
Kaylan L. Phillips
Counsel for All Plaintiffs